

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



25 April, 2002

Mr. Samuel Wehn, Director
Enron North America Corp.
101 California Street, Suite 900
San Francisco, CA 94111

Mr. Wehn,

This is a response to your letter of April 2, 2002 regarding survey protocols proposed for the Roseville Energy Facility (REF). In your letter, you reference a 2001 Survey Workplan. You state that the 2001 Survey Workplan was submitted to and approved by the California Energy Commission (CEC), the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (DFG). However USFWS and DFG have indicated to CEC staff that no such document was submitted and/or approved by their respective agencies.

On March 1, 2001, during the prefilng period, CEC staff received a draft Biological Resources Survey Protocol for the proposed REF. However, after reviewing the document, staff requested clarification on the proposed survey protocols. On March 23, 2001, Stuart Itoga, Rick York (CEC), Steve Leach (URS) and Ken Horne (Patch Engineering) visited the proposed plant site and portions of the linear facilities accessible by car. After the site/linears visit, and clarification of the protocols, staff gave verbal approval to Steve Leach for some deviation from standard Energy Commission Siting Regulations. However, modified survey protocols were not resubmitted to staff during or after the Data Adequacy period. Furthermore, staff never formally approved any protocols outlined in the draft Biological Resources Survey Protocol document submitted on March 1, 2001.

It should be noted that protocols verbally commented on during the prefilng period were specific to the project as it was being proposed, in concept in March 2001. (The Application for Certification was not filed until August 10, 2001.)

It is staff's understanding that the project, and particularly its linears, have changed considerably since that time. Consequently, before staff can consider the acceptability of any deviations from standard siting regulations, submittal of a complete project description will be required. This description must include: proposed activities for which surveys are to be conducted, (i.e. transmission lines, gas/water pipelines, laydown areas), locations where surveys are to be conducted, levels at which surveys are to be conducted and a list of target species. A regional map at a scale where 1 inch equals 0.3 to 0.5 miles (1"= 3/10 – 1/2 miles) of proposed linear facilities and biological resources in relation to the proposed plant site must also be submitted. This map must show all linear facilities associated with the proposed REF and all biological resources within an existing corridor or 1000 feet from the outer edges of any proposed linear facilities.

25 April, 2002
Page 2

In our April 23, 2002 conference call, CEC staff discussed with you and your staff, the need for submittal of a map indicating locations of all proposed linears and associated survey corridors. In addition, staff also requested that you provide a list of target species and the areas where species specific focused surveys will be conducted. As a result of our agreement on the conference call, CEC staff is expecting this information during the week of April 29, 2002.

Without the information discussed above, staff cannot determine what surveys may be necessary. After submittal of a new project description and associated survey protocols, staff will then review the protocols to determine their adequacy.

Lance Shaw, Project Manager

Cc (w. Applicant's document dated 2 April '02 referenced in this correspondence):

Ken Fuller, US Fish and Wildlife Service
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Jeff Finn, California Dept of Fish and Game
2800 Cottage Way, Suite W-2605
Sacramento, CA 95825-1846